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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,116	10/21/2003	Karl Burgess	C4273(C)	5360

201 7590 11/16/2005

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EXAMINER	
LU, JIPING	

ART UNIT	PAPER NUMBER
3749	

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/690,116	BURGESS ET AL.	
	Examiner	Art Unit	
	Jiping Lu	3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 May 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11,13,14,16,17,19-22,25 and 26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11,13,14,16,17,19-22,25 and 26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because phrase :"means" used in abstract is improper. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-11, 13-14 and 19, 20-22, 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 3,701,202 to Compa et al. and US Patent 5,791,801 to Miller.

Compa et al. teaches a method and apparatus for treating fabrics comprising a device 20 for attachment onto the inside of a dryer drum 34 comprising a reservoir 22 for holding a fabric

conditioning liquid, inner flow control members 30, and transfer member 84 for transferring the conditioning liquid onto fabrics being rotated inside the drum 34. Transfer member 84 is polyurethane foam. Note column 3, lines 12-26 and Figures 4 and 9. Compa does not teach using compressed polyurethane foam. Miller teaches a similar element for transferring a liquid from a reservoir to an application point comprising compressed polyurethane foam. Note column 3, line 64- column 4, line 16. As Miller teaches that a polyurethane foam that is "permanently compressed to a predetermined thickness" is ideal for "regulating the rate of fluid release from the applicator," it would have been obvious to one of ordinary skill in the art to modify the foam applicator of Compa et al. with the compressed foam applicator of Miller. Regarding claim 5, Compa et al., as modified by Miller, does not teach polyester foam. However, such a modification would have been obvious to one of ordinary skill in the art since both Compa et al. and Miller teach that a variety of foams can be used (note Compa et al. column 3, line 15 and Miller column 4, lines 10-16) and it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. Regarding claims 6-14, Compa et al., as modified by Miller, does not teach the exact pore sizes and compression ratios presently claimed. However, such limitations would have been obvious to one of ordinary skill in the art since Miller teaches that a variety of compressed foams can be used and it has been held in the art that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranged involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

It should be noted that the limitation regarding "compressed" does not provide any patentable merit because the adjective "compressed" contains no structure. The polyurethane

foam in Compa et al is deemed to be compressed to certain degree when installed. Furthermore, the Miller patent does show compressed foam same as the applicant's. With regard to claimed compression ratios, it is deemed to be merely an obvious matter of design choice in order to obtain an optimal result. It is known to have a higher compression ratio result in a reduction of staining.

It is noted that claim 19 contains no structure. The phrase "optionally provided in a reservoir for use with said device" does not carry any patentable weight because it is only optional.

5. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Compa et al. and Miller as applied to claim 1 above, and further in view of US Patent 5,072,526 to Hirota et al.

Compa et al., as modified by Miller, does not teach placing his treatment device on the door of the drying machine. Hirota et al. teaches a similar treating method comprising porous conditioning dispenser 39 attached to door 5. Note column 3, lines 51-59 and Figures 1 and 5a. As Hirota et al. teaches that a porous conditioning dispenser will be more securely placed when attached to the door of a drying machine, it would have been obvious to one of ordinary skill in the art to place the dispenser of Compa et al. on the door of the dryer as taught by Hirota et al. Regarding the temperatures of claims 17 and 18, Compa et al., as modified by Miller and Hirota et al., does not define the temperature of the air used for drying. However, such claim limitations would have been obvious to one of ordinary skill in the art since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

Response to Arguments

6. Applicant's arguments filed 5/5/2005 have been fully considered but they are not persuasive to overcome the rejection. First, the broad claims presented failed to structurally define over the prior art references. The applicant is requested to point out from the broad claims, any structural limitations, if any, that the prior art references do not teach or shown. The examiner would not give any patentable weight to the word "compressed" because it is not a structure. At best, it is merely a method of installation in an apparatus claim. Any method of installation in apparatus claims produces no patentable merits. Second, the limitation regarding "compressed foam" is clearly taught by the Miller patent. The broad claims mention nothing about any numerical compression ratios that the applicant deems to be important. Third, the dependent claims included some compression ratios which also deemed to be an obvious matter of design choice in absence of any new or unexpected result. It is known that the higher the compression ratio would reduce the staining. Fourth, with regard to newly added limitation regarding the foam being flow control member and in the form of membrane in claims 25-26, the prior art references clearly shows such foam is in the form of membrane.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jiping Lu whose telephone number is 571 272 4878. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EHUD GARTENBERG can be reached on 571 272-4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jiping Lu
Primary Examiner
Art Unit 3749

J. L.